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ALAMEDA COUNTY

APR 24 2012

CLERK OF THE SUPERIOR COURT
By Glenn Baker Deputy

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8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF ALAMEDA**
10 **(LIMITED JURISDICTION)**

11
12 CITY OF OAKLAND, a Municipal
Corporation, as Successor Agency to the
13 Oakland Redevelopment Agency

14 Plaintiff

15 v.

16 PAUL WOODS, and DOES 1 through 20,
inclusive,

17 Defendants.
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Case No. 12627189

**COMPLAINT FOR PROPERTY
DAMAGE AND PUNITIVE DAMAGES**

19 1. City of Oakland, a municipal corporation and a chartered city, as
20 Plaintiff, alleges against Defendant PAUL WOODS (hereinafter "Defendant WOODS"),
21 and DOES 1 through 20, the following:

22 **INTRODUCTION**

23 2. This action arises out of Defendant's injurious activities in Oakland,
24 California. On or about January 28, 2012, "Occupy Oakland," a group of organized
25 protesters, held a planned protest they referred to as "Move-In Day". The purpose of the
26 "Move-In Day was to illegally occupy one or more vacant buildings.

1 **PARTIES**

2 3. Plaintiff City of Oakland is a municipal corporation and a chartered
3 city organized and existing under the laws of the State of California. The City is also the
4 successor agency to the former Oakland Redevelopment Agency pursuant to the
5 California Health and Safety Code Sections 34171(j) and 34173, (hereinafter referred to
6 in this capacity as "Successor Agency") and by operation of law, has assumed the assets
7 of the Oakland Redevelopment Agency pursuant to Health and Safety Code Section
8 34175(b).

9 4. The City as Successor Agency is the sublessee of the building
10 commonly referred to as the Scotlan Convention Center (located on Clay Street, between
11 10th and 11th Streets in Oakland, California, and whose address is 550 10th Street). The
12 city is also the sublessor and lessee from a joint powers authority of the City (as the City)
13 and the City as Successor Agency. Thus, the City has the ultimate responsibility for
14 repairs to the Scotlan Center.

15 5. The City brings this action for damage to its property caused by
16 Defendant WOODS.

17 6. Defendant WOODS is an individual who, on information and belief,
18 resides at 1844 Ocean Street, Santa Cruz, California.

19 7. "DOES 1 through 20" are fictitious names. Their true names and
20 capacities are unknown to the City. When their true names and capacities are
21 ascertained, the City will amend this complaint by inserting their true names and
22 capacities. The City is informed and believes, and based on that information and belief
23 alleges, that each of the defendants designated as a DOE is legally responsible in some
24 manner for damage to City property.

25 **JURISDICTION**

26 8. This Court has jurisdiction over this matter because the acts

1 | complained of occurred in Oakland, California in Alameda County.

2 | **FACTUAL BACKGROUND**

3 | 9. On or about January 28, 2012, at approximately 9:00 p.m., an
4 | Oakland Police Department (OPD) Officer observed defendant WOODS spray paint the
5 | sign at the corner of 11th and Broadway Streets with the words "Oakland Commune."
6 | OPD officers then arrested defendant WOODS for vandalism.

7 | **CAUSE OF ACTION FOR PROPERTY DAMAGE AGAINST DEFENDANT WOODS, AND**
8 | **DOES 1 THROUGH 20**

9 | 10. The City incorporates by reference the allegations of paragraphs 1
10 | through 12 as though fully set forth herein.

11 | 11. Defendant WOODS had a legal duty to not damage property
12 | belonging to the City.

13 | 12. Defendant WOODS breached this duty when she intentionally and
14 | maliciously spray painted the Scotlan Convention Center and thus damaged the City's
15 | property.

16 | 13. Defendant WOODS had actual or constructive knowledge that
17 | property would be damaged as a result of spray painting the Scotlan Convention Center.

18 | 14. Defendant WOODS had actual or constructive knowledge that injury
19 | to the City's property was a probable result of the danger of her act of spray painting the
20 | Scotlan Convention Center.

21 | 15. The City suffered damages as a direct and proximate result of
22 | Defendant WOODS conduct. The City was required to expend in excess \$400.00 to
23 | remove the spray paint and re-paint those portions of the Scotlan Convention Center, and
24 | suffered other damages to be proven at trial all as a direct and proximate result of
25 | Defendant WOODS conduct.

26 | 16. Defendant WOODS damaged the City's property intentionally and

1 with malice. Therefore, the City is entitled to punitive damages pursuant to California Civil
2 Code section 3294(a) in an amount according to proof.

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4 **DEMAND FOR RELIEF**

5 **WHEREFORE, PLAINTIFFS REQUEST THAT THIS COURT ORDER, ADJUDGE AND**
6 **DECREE AS FOLLOWS:**

7 17. That Defendant WOODS pays \$400.00 in special damages for
8 property damage to the Scotlan Convention Center and such other damages as City
9 suffered, according to proof.


10 18. That DOES 1 through 20 pay special damages for property damage
11 in an amount to be determined, and such other damages as City suffered, according to
12 proof.

13 19. That Defendant WOODS, and DOES 1 through 20 pay punitive
14 damages pursuant to California Civil Code section 3294(a) a.

15 20. That the City have such other relief as the Court deems proper.

16 Dated: April 24, 2012

17 BARBARA PARKER, City Attorney
18 DORYANNA MORENO, Chief Asst. City Attorney
19 RICHARD ILLGEN, Deputy City Attorney
20 JESSICA REDDITT, Neighborhood Law Corp Attorney

21 By: 
22 Attorneys for Plaintiff
23 CITY OF OAKLAND
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